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**Hatcher Trade Press, Inc. d/b/a Hatcher Press, Inc.
and International Brotherhood of Teamsters
Local 853.** Case 20–CA–34695

December 29, 2010

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBERS BECKER
AND PEARCE

The Acting General Counsel seeks default judgment in this case on the ground that the Respondent has failed to file an answer to the compliance specification. On August 31, 2010, the Board issued a Decision and Order,¹ that found that the Respondent, Hatcher Trade Press, Inc. d/b/a Hatcher Press, Inc., violated Section 8(a)(5) and (1) of the Act by, among other things, failing and refusing to bargain with the Union about the effects of its decision to close its San Carlos, California facility. The Board required the Respondent, among other things, to pay all bargaining unit employees no less than 2-weeks' wages, less any interim earnings, for the period commencing 5 days after the date of the Board's Order.²

A controversy having arisen over the amount of backpay due the employees, on September 29, 2010, the Regional Director issued a compliance specification and notice of hearing alleging the amount of backpay due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated October 20, 2010, the Acting Regional Attorney advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by October 27, 2010, default judgment would be sought. The Respondent filed no answer.

On November 3, 2010, the Acting General Counsel filed with the Board a Motion for Default Judgment, with exhibits attached. On November 5, 2010, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response.

¹ 355 NLRB No. 175.

² The Board required the Respondent to pay backpay to employees in the two bargaining units in a manner similar to that required in *Transmarine Navigation Corp.*, 170 NLRB 389 (1968), as clarified by *Melody Toyota*, 325 NLRB 846 (1998), for any loss of pay resulting from the Respondent's unfair labor practices.

The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Default Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that a respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) provides that if the respondent fails to file an answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the motion for default judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the Acting General Counsel's Motion for Default Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order the Respondent to pay those amounts, plus interest accrued to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Hatcher Trade Press, Inc. d/b/a Hatcher Press, Inc., San Carlos, California, its officers, agents, successors, and assigns, shall make whole the individuals named in the attached Appendix A, by paying them the amounts following their names, plus interest accrued and paid in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholding required by Federal and State laws.³ Summarizing these amounts, the Respondent is obligated to pay the employees backpay totaling \$52,100.

³ The Board has declined to apply its new policy, announced in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), of daily compounding of interest on backpay awards, in cases such as this, that were already in the compliance stage on the date that decision issued. *Three Rivers Electrical, Inc.*, 356 NLRB No. 38, slip op. at 1 fn. 2 (2010).

Dated, Washington, D.C. December 29, 2010

 Wilma B. Liebman, Chairman

 Craig Becker, Member

 Mark Gaston Pearce, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NAME	CLASS	RATE	HOURS	TOTAL OWED
Archie Bates	Press	\$30.73	80	\$ 2,458.40
David Burge	Feed	20.94	80	1,675.20
Stephanie Bustillos	JB II	16.88	80	1,350.40
Gallegos Conception	JB II	16.88	80	1,350.40

Tavite Eke	Press	27.94	80	2,235.20
Giles Heppert	Press	30.73	80	2,458.40
Mike McAdams	Press	27.94	80	2,235.20
Bert McCluskey	Press	23.62	80	1,889.60
Randy Montoya	JB I	27.90	80	2,232.00
Thomas Pho	Prep	26.05	80	2,084.00
Marcos Pineiro	Prep	26.05	80	2,084.00
Danny Robertson	Press	27.94	80	2,235.20
Courtney Stancil	JB II	16.88	80	1,350.40
Rodney Jackson	Press	27.94	80	2,235.20
John Kohn	JB I	24.13	80	1,930.40
Jose Laguna	Feed	23.03	80	1,842.40
Arun Lal	Feed	23.03	80	1,842.40
Mike Lemos	JB I	27.00	80	2,160.00
Jeff Lockhart	Press	30.73	80	2,458.40
Daniel Martinez	Prep	26.05	80	2,084.00
Don Tofft	Prep	26.05	80	2,084.00
Ofa Veimau	Feed	20.94	80	1,675.20
Scot Walter	Feed	23.03	80	1,842.40
Eric Westlund	Prep	26.05	80	2,084.00
Brewster Wong	Prep	28.66	80	2,292.80
Tsok Wong	JB I	\$24.13	80	1,930.40
				\$52,100.00